

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 03 ASUNCION 001072

SIPDIS

LABOR FOR DOL/ILAB TINA MCCARTER
STATE FOR DRL/IL LAUREN HOLT

E.O. 12958: N/A

TAGS: [EIND](#) [ELAB](#) [ETRD](#) [PHUM](#) [SOCI](#) [KWMN](#) [PA](#) [AID](#)

SUBJECT: PARAGUAY 2005 CHILD LABOR REPORT UPDATE

REF: A. STATE 143552

[B](#). ASUNCION 1178

Summary

[1](#)1. The following responses are an update to the 2004 Child Labor Report (ref. B). The responses are based on input from the Ministry of Children and Adolescents, the Ministry of Education, the International Labor Organization (ILO), and Pro Joven (Pro Youth), a non-governmental organization.

[1](#)2. Paraguay has developed a national policy aimed at the elimination of child labor and the eradication of the worst forms of child labor. However, implementation and enforcement of child labor laws and regulations are sporadic. In addition, the President of Paraguay recently fired the Minister of Children and Adolescents and the Minister of Social Work because they were "not focused on the immediate concerns.⁸ These Ministers were focused on changing laws, according to Embassy sources, but did not address the issue of "street children", a priority of the Duarte-Frutos Administration. End Summary.

Proscriptions of the Worst Forms of Child Labor

[1](#)3. Promulgation of Decree 4951 on March 22, 2005, by which Paraguay has defined the worst forms of child labor or hazardous work, and/or lists the occupations considered to be worst forms of child labor, represents the most significant action Paraguay took on this matter over the last year. The Decree identifies twenty-six (26) occupations and/or hazardous work considered to be the worst forms of child labor.

Implementation of the Proscriptions

[1](#)4. Paraguay developed a National Plan in 2003 to eliminate child labor and the eradication of the worst forms of child labor. It is to be implemented over the course of five years, from 2003 to 2008. The Presidential Declaration promulgating the National Plan also envisioned the development of annual Action Plans to facilitate execution of the overall five-year Plan.

[1](#)5. The principal objectives of the National Plan are as follows: establish a baseline of relevant information and statistics; train and mobilize personnel; raise societal awareness; establish the requisite legal framework, beginning with the ratification and implementation of Conventions 182 and 138; implement a system of inspections and monitoring, with an emphasis on the worst forms of child labor and hazardous work; develop effective public policies that will direct the activities of public- and private-sector institutions and civil society; design and implement intervention programs and projects; and adopt efficient, effective mechanisms for monitoring and evaluating the Plan.

[1](#)6. The Duarte-Frutos Administration continues to make positive steps in the implementation of the National Plan and the signed international agreements but the lack of resources continue to hamper their efforts. The Government's focus on street children is an indication of its intent to deal with the problems most visible to the public.

[1](#)7. The other major problems with child labor in Paraguay that require attention are the existence of "criados/criadas⁸, sexually exploited children and rural child workers. "Criados/criadas⁸ are under-aged children that are domestic workers, usually for the affluent, and are very rarely paid for their services and rarely attend school. According to Embassy sources these children are often the victims of interstate trafficking with full knowledge of the parents, who were told their child would be sent to school. In one case, earlier this year, an official in the Center for Adoptions was arrested for having a nine (9) year-old criada at her residence, living in deplorable conditions. The child never attended school. The case is now in judicial

proceedings.

18. Sexually exploited children, mostly young girls, continue to be a problem. It has been reported that parents and other relatives often accept money for children as young as nine (9) for sexual favors and/or pornographic activities. Sometimes, these children end-up as "street children" and are later trafficked. Rural child workers are mostly engaged in farming and fishing related activities. These children work a considerable amount of time but are rarely seen and, thus, it is likely that the GOP, given competing priorities, will not address this issue in the near future. (NOTE: Executive Decree 4951 does not cover farming and fishing activities, probably due to the importance of both of these industries to the economy.)

19. The Code on Children and Adolescents was established to create a new, integrated system for implementing and enforcing the rights of children and adolescents at the national, departmental and municipal levels. The Code designated a new Secretariat for Children and Adolescents, with ministerial rank and reports to the Executive, as the principal authority for implementing the system. The Code created National, Departmental and Municipal Councils for Children and Adolescents, each of which is composed of public officials and NGO representatives and charged with developing policies, plans and procedures at its respective institutional level. The Code also created a network of Municipal Advisory Councils on the Rights of Children and Adolescents (CODENI), which are composed of local professionals with a known history of providing legal, psychological, social and other services in the community.

10. Per the Code on Children and Adolescents, the municipal CODENIs serve as the foundation for implementation of the system. They are charged with protecting and promoting the rights of children and adolescents by performing functions that include the following: intervene to prevent violations; serve as an alternative dispute resolution mechanism; refer cases to competent judicial authority, when appropriate; maintain registries of working adolescents and their employers; and coordinate training programs for working adolescents.

11. Regarding the registration system established by the Code, Articles 55 and 56 require CODENIs to maintain records of working adolescents, including biographical data, type of work performed, amount of remuneration, working hours, school attended, and hours of attendance. Article 57 requires CODENIs to provide the registration data to the regional labor authority for inspection and compliance purposes. Articles 60 and 61 require employers to establish and maintain records with the same information, and to provide the information to the appropriate CODENI within 72 hours after hiring an adolescent employee. Article 66 requires adolescent domestic employees to present the written permission of a parent, guardian or legal representative to obtain employment authorization from the CODENI in the adolescent's municipality.

12. In order to comply with the above articles, Resolution number 191, issued by the Ministry of Education and Culture, mandates that each school must complete a form indicating the personal information of each student, including residence, medical, parent/guardian information and if the child works. In the labor section, the form requests information regarding where the child works and the type of work.

Conclusion

13. Comment: Child Labor is obviously very important to the legal and illegal economy of Paraguay. This unfortunate reality makes it extremely difficult for authorities to eradicate the worst forms of child labor. For example, in Ciudad del Este, it was recently reported that approximately forty (40) percent of the children in primary grades, all of whom are under the legal working age, work in street vending jobs, during school hours. End Comment.

14. Paraguay has continued to make positive steps toward eliminating child labor and eradicating its worst forms. The Government has designated authorities to implement and enforce child labor laws and regulations. However, full implementation and effective enforcement are still years off. The lack of resources to fully fund the agencies and programs continues to be a serious impediment to implementation, and corruption remains an issue for enforcement. Thus, the Government relies heavily on NGO technical and financial support and the volunteer services of members of civil society.
KEANE